

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

KAVIN LEE PEEPLES,
Petitioner,

v.

WARDEN, SOUTHERN OHIO
CORRECTIONAL FACILITY,
Respondent.

Case No. 1:19-cv-340

Black, J.
Litkovitz, M.J.

**REPORT AND
RECOMMENDATION**

Petitioner, an inmate at Southern Ohio Correctional Facility, in Lucasville, Ohio, is serving a term of life imprisonment for a 1992 Ohio murder conviction. (*See* Doc. 1-1, at PageID 15).

On July 17, 2019, the Court issued a Report and Recommendation **RECOMMENDING** that petitioner's motions for expert evaluation (Doc. 1-1) and for appointment of counsel (Doc. 1-2; Doc. 6) be **TRANSFERRED** to the Sixth Circuit Court of Appeals pursuant to 28 U.S.C. § 2244(b) as a second or successive habeas corpus petition seeking relief under 28 U.S.C. § 2254. (Doc. 10). In light of the recommendation to transfer these motions to the Sixth Circuit, the Court **DENIED as moot** petitioner's remaining motions for service of process (Doc. 1-3) and a hearing before this Court (Doc. 9).

On November 20, 2019, the Court issued a Report and Recommendation **RECOMMENDING** that petitioner's motion to transfer (Doc. 12) be granted to the extent that petitioner's motions for expert evaluation (Doc. 1-1) and for appointment of counsel (Doc. 1-2; Doc. 6) be **TRANSFERRED** to the Sixth Circuit Court of Appeals pursuant to 28 U.S.C. § 2244(b) as a second or successive habeas corpus petition seeking relief under 28 U.S.C.

§ 2254. (Doc. 13).

The District Court adopted the July 17, 2019 Order and Report and Recommendation (Doc. 10) and the November 20, 2019 Report and Recommendation on December 3, 2019. (Doc. 14).

On May 12, 2020, the Sixth Circuit Court of Appeals entered an Order denying petitioner's motion for authorization, motion for psychiatric evaluation, and motion for the appointment of counsel. (*See* Doc. 16). As there are no further matters pending before this Court, this action should be dismissed.

IT IS THEREFORE RECOMMENDED THAT:

In light of the Sixth Circuit's May 12, 2020 Order denying petitioner's motion for authorization, motion for psychiatric evaluation, and motion for the appointment of counsel (*See* Doc. 16), this action should be dismissed.

Date: June 8, 2020


Karen L. Litkovitz
United States Magistrate Judge

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NOTICE

Pursuant to Fed. R. Civ. P. 72(b), **WITHIN 14 DAYS** after being served with a copy of the recommended disposition, a party may serve and file specific written objections to the proposed findings and recommendations. This period may be extended further by the Court on timely motion for an extension. Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendation is based in whole or in part upon matters occurring on the record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon, or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections **WITHIN 14 DAYS** after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).